

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

COREY IAN WEIDNER,

Petitioner,

v.

JERI TAYLOR,

Respondent.

MOSMAN, J.,

No. 2:13-cv-01973-YY

OPINION AND ORDER

On August 30, 2016, Magistrate Judge Youlee You issued her Findings and Recommendation (“F&R”) [76], recommending that I DENY Mr. Weidner’s Petition for Habeas Corpus [2] and DISMISS the case with prejudice. Judge You also recommended that I issue a Certificate of Appealability as to all of Mr. Weidner’s argued claims. Mr. Weidner filed his Objections to the F&R [84] on November 2, 2016, and Ms. Taylor filed her Response to the Objections [85] on November 16, 2016.

DISCUSSION

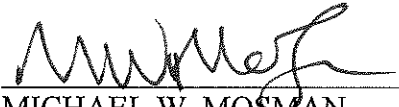
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge You's recommendation and I ADOPT the F&R [76] as my own opinion.

IT IS SO ORDERED.

DATED this 17th day of January, 2017.


MICHAEL W. MOSMAN
Chief United States District Judge